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6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 KELLE SHARPE,

10
11 Plaintiff,

12 vs.

13 CITIGROUP, INC., dba CITIBANK; DOES I-
X, inclusive, and ROE ENTITIES I-X,
14 inclusive,
15 Defendants.

)
) **CASE NO.:**

)
) **COMPLAINT**

)
) **JURY TRIAL IS DEMANDED**
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18 **PLAINTIFF'S COMPLAINT**

19 Plaintiff Kelle Sharpe (hereinafter referred to as "Plaintiff" or "Ms. Sharpe"), by and
20 through her counsel of record, F. Travis Buchanan, Esq., of F. Travis Buchanan, Esq., &
21 Associates, PLLC, for her Complaint against Defendants, alleges and states as follows:
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23 **I. INTRODUCTION, JURISDICTION AND VENUE**

24 1. This is an employment discrimination case in which Plaintiff alleges discriminatory
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1 conduct, (including in the terms and conditions of her employment), because of her race, age and
2 sex.

3 2. This is also an action under the common law of the State of Nevada for claims arising
4 under Nevada's anti-discrimination statute, N.R.S. Section 613.310 et seq., and for a claim of
5 Intentional Infliction of Emotional Distress. This is a civil complaint brought in the United States
6 District Court under Federal and State statutes prohibiting discrimination in order to secure
7 protection and redress for discrimination and deprivation of rights under these laws.

8 3. Plaintiff's race discrimination and sex discrimination claims arise under the laws of the
9 United States of America, in particular Title VII of the Civil Rights Act of 1964, as amended, 42
10 U.S.C. 2000e and 2000e16, and the Civil Rights Act of 1991, 42 U.S.C. 1981a, as well as
11 equivalent law of the State of Nevada, as set forth above.
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13 4. Plaintiff's age discrimination claim arises under the Age Discrimination in Employment
14 Act of 1967, 29 U.S.C. 621, et seq., ("ADEA"), as well as equivalent law of the State of Nevada,
15 as set forth above.

16 5. Plaintiff also seeks a declaration that the acts of Defendants intentionally and unlawfully
17 discriminated against her.

18 6. Pursuant to 28 U.S.C. § 1331 and § 1343, this Court has original subject matter
19 jurisdiction over Plaintiffs' Title VII claims brought under, 42 U.S.C. §§2000e and 2000e et seq.
20 This Court also has jurisdiction pursuant the Plaintiff's Age Discrimination in Employment Act
21 ("ADEA"), claim.
22

23 7. As set forth above, this action also includes claims arising out of Nevada's anti-
24 discrimination statutes, and common law: N.R.S. Section 613.310 et seq., which are herein
25 joined pursuant to the doctrine of supplemental jurisdiction and 28 U.S.C. § 1367(a). Plaintiff

1 asserts she was discriminated against, treated differently from other employees in a
2 discriminatory manner, subjected to an unfair and overly punitive disciplinary process, and
3 ultimately terminated due to her race, sex, and age.

4 8. Jurisdiction in this case is also proper pursuant to N.R.S. Section 14.065.

5 9. Venue is proper in the District of Nevada pursuant to 28 U.S.C. § 1391(b), because the
6 Defendant's corporation is located and operates in this judicial district, and within its unofficial
7 Southern Judicial District, and all relevant events giving rise to the claim stated herein occurred
8 in this judicial district.

9 10. Ms. Sharpe filed her Charge of Discrimination with the U.S. Equal Employment
10 Opportunity Commission ("EEOC"), and was issued a "Right to Sue" letter by such agency.
11 A copy of such letter is attached hereto as **Exhibit "1,"** and date stamped: December 9, 2020.
12 This Complaint has been timely filed, and therefore, the Plaintiff has fulfilled all jurisdictional
13 prerequisites to filing the instant lawsuit.

14 **II. PARTIES**

15 11. Plaintiff Ms. Sharpe, is a female citizen of the United States, a resident of Nevada, and
16 over the age of 40. At all times relevant to this matter, she has resided in the County of Clark.

17 12. Defendant Citibank, is a publicly traded company with operations in the County of
18 Clark, State of Nevada. Defendant Citibank is an employer within the meaning of Title VII of
19 the Civil Rights Act of 1964, as amended, as well as under the ADEA.

20 13. Defendant Citibank, at all times relevant to this matter, was and has been engaged in an
21 industry affecting commerce, or in the production of goods for commerce. Defendant Citibank
22 and its employees are properly licensed and legally authorized to do business in Clark County,
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1 Nevada, and the unlawful employment practices, and deprivation of rights alleged hereunder
2 were committed within the State of Nevada.

3 14. As an employer in Nevada with 15 or more employees for each working day in each of
4 twenty or more calendar weeks in the current or preceding calendar year, Defendant Citibank
5 and its personnel, at all relevant times herein, are required to comply with all state and federal
6 statutes which prohibit discrimination because of race, ethnicity, sex, and age.

7 15. DOES I through X, inclusive, ("DOES I-X") and ROE CORPORATIONS, I through X,
8 ("ROE CORPORATIONS I-X") inclusive, are persons, corporations or entities who are or which
9 may also be responsible for, or who directed or assisted in the wrongful actions of the named
10 Defendant, or who may be individual actors, officers, employees or agents of the named
11 Defendant. The true identities of the DOES, I-X, and ROE ENTITIES I-X, are unknown to
12 Plaintiff at this time. Plaintiff therefore alleges that DOES I-X and ROE ENTITIES I-X, are
13 and/or may be responsible in part for the damages or injuries suffered by Plaintiff as a result of
14 their wrongful actions and/or those of their agents and/or employees. Plaintiff will seek leave to
15 amend this Complaint as soon as the true identities of DOES I-X and ROE ENTITIES, inclusive,
16 are revealed to Plaintiff.

17 16. At all times leading up to her unlawful termination and/or relevant hereto, Plaintiff was
18 employed by Defendant Citibank, in the State of Nevada, County of Clark.

19 17. At all times relevant hereto, Defendant Citibank and its supervisors, agents and
20 employees were jointly and severally liable and responsible for the Plaintiffs injuries herein
21 complained of, and were jointly and severally liable, and the direct and proximate cause of the
22 aforesaid complained of injuries.

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III. FACTUAL ALLEGATIONS

18. Plaintiff has worked in the banking industry for well over a decade, and has worked for Defendant Citibank for over 18 ½ years.

19. During Plaintiff's tenure working for Citibank, she had an unblemished work record and was never formally disciplined by the company. As a testament to her great track record as an employee, and her reputation as a highly rated employee, Plaintiff was even nominated by one of her supervisors to participate on important national committees and focus groups.

20. On or about the year 2019, a fabricated complaint by a Caucasian customer with a reputation for lodging frivolous complaints against employees in the bank branch wherein Plaintiff worked, was lodged against Plaintiff and one of her subordinates. The customer informed Plaintiff's superior - Jeff Dunmire. The subordinate working under Plaintiff was also involved in the conduct underlying such complaint, and her superiors understood the complaint to be frivolous.

21. On information and belief, Plaintiff believes such customer, in large part singled her out due to her race, Plaintiff was not the only bank employee involved in the transaction related to the complaint, and for reasons unknown to Plaintiff, the customer who was Caucasian, focused much of her anger and the gravamen of her false allegations against Plaintiff. Based on the nature of the complaint and the blatant hostility of the customer towards Plaintiff in particular, Plaintiff believed that such Caucasian customer was being blatant hostile towards her, due to her race.

22. In the past, similar complaints lodged by this same Caucasian customer that lodged the instant complaint against Plaintiff were all found to be frivolous, especially when such complaints were lodged against other employees that were not of the same race and/or protected class as Plaintiff, African-American.

23. Specifically, with regard to the same Caucasian customer that lodged the instant complaint against Plaintiff in 2019, Plaintiff's direct supervisor Jeff Dunmire, who is a

1 Caucasian male and Plaintiff's superior referenced above (who was also involved in the
2 underlying transaction that relates to the customer's complaint), informed Plaintiff that he was
3 aware of the subject customer's complaint, and he deemed such complaint to be false, invalid
4 and not in any way credible. He also referred to the subject customer as being "crazy."

5 24. With regard to the subject complaints lodged against Plaintiff and her subordinates
6 in 2019, upon Defendant's investigation of the instant complaints, Plaintiff's subordinates,
7 whom, unlike Plaintiff, had a history of discipline based on their work performance, eventually
8 received less harsh discipline from Defendant Citibank, than Plaintiff did.

9 25. One of Plaintiff's co-worker/subordinates named Roberto Rosca, who was also
10 involved in the same underlying conduct/transaction related to the above-referenced customer
11 complaint, also received discipline in the form of being placed on a Final Performance Plan.

12 26. Plaintiff's direct supervisor Jeff Dunmire, who was also involved in the same underlying
13 conduct/transaction related to the above-referenced customer complaint, also received low level
14 discipline, such that he was able to retain his position as an Area Director within the company.

15 27. Unlike the other employees involved in the same underlying conduct/transaction related
16 to the subject customer complaint, all of whom were able to retain their employment with the
17 company, Plaintiff, was eventually terminated from her employment by Defendant Citibank,
18 after it concluded its investigation of the underlying matter.

19 28. Just one month prior to Plaintiff's termination, and well after the instant customer
20 complaint was initially lodged against Plaintiff, she received a "Highly Effective," employee
21 rating by the company, based on her overall work performance and a 100% pass rating on audits
22 conducted during the prior year.

23 29. In a second matter raised against Plaintiff by Defendant Citibank, Plaintiff's
24 subordinate/co-worker named Julie Kiener failed to adhere to the bank's policies and procedures
25 while transacting on Plaintiff's personal account. While the failure to follow such procedures
was completely the fault of Ms. Kiener, after Defendant's investigation of such matter, Plaintiff's

1 subordinate Ms. Kiener, unlike Plaintiff had a history of discipline based on her past work
2 performance, and was eventually issued less harsh discipline by Defendant Citibank, than
3 Plaintiff was issued. Ms. Kiener received discipline in the form of being based on a Final
4 Performance Improvement Plan ("PIP").

5 30. Plaintiff's two co-worker/subordinates who were also involved in the
6 conduct/transactions related to the above-reference customer complaint and charge, were not of
7 the same race and/or protected class as Plaintiff -African-American.

8 31. Plaintiff's direct supervisor Jeff Dunmire, who was also involved in the same
9 conduct/transaction related to the above-referenced customer complaint, was not of the same
10 race and/or protected class as Plaintiff-African American.

11 32. Shortly after Plaintiff was terminated by Defendant Citibank, she learned that the
12 company had placed in her previous position, a Caucasian male, with a known history of job
13 performance issues and demerits for violating various company policies and procedures. Based
14 on information and belief, this same Caucasian employee that was placed in Plaintiff's previous
15 position, received a Performance Improvement Plan ("PIP") due to an egregious violation of
16 employee rights, which put other employees in the bank's branch in jeopardy of contracting
COVID-19.

17 33. Starting from 2003, Citibank has consistently given Plaintiff excellent performance
18 appraisals.

19 34. At all times during her long tenure with the company, Plaintiff has received an end-of-
20 year rating of "Highly Effective" in every category in which she was assessed, including, but not
21 limited to Sales, Service, Risk and Compliance, Customer Service, Hiring, Performance
22 Management, Ingenuity and Leadership.

23 35. Plaintiff believes Defendant Citibank orchestrated her termination because it wanted to
24 appease the Caucasian customer that it knew lodged a baseless and frivolous complaint against
25 Plaintiff, and used the baseless customer's complaint as a pretext for terminating Plaintiff, when

1 it really terminated Plaintiff because of her race, as is evident by its treatment of Plaintiff's two
2 co-worker/subordinates who were also involved in the conduct/transactions related to the above-
3 reference charges, and such co-worker/subordinates were not of the same race and/or protected
4 class as Plaintiff -African-American.

5 36. Plaintiff believes Defendant Citibank orchestrated her termination because it wanted to
6 appease the Caucasian customer that it knew lodged a baseless and frivolous complaint against
7 Plaintiff, and used the baseless customer's complaint as a pretext for terminating Plaintiff, when
8 it really terminated Plaintiff because of her race, as is evident by its treatment of Plaintiff's direct
9 supervisor Jeff Dunmire, who was also involved in the same conduct/transaction related to the
10 above-referenced customer complaint, and he was not of the same race and/or protected class as
11 Plaintiff-African American.

12 37. Additionally, Plaintiff believes, upon information and belief, and based on Defendant's
13 conduct herein, that Defendant Citibank, understood that Plaintiff was one of the highest paid
14 female employees in the Las Vegas area. That her performance records and tenure would
15 logically support that she would be in line for the Area Director's position upon its availability.
16 In fact, in the absence of the Plaintiff's superior, she received delegated authority of the Area
17 Manger. Plaintiff was terminated on the basis of her age (older than 40).

18 38. Plaintiff also believes, upon information and belief, and based on Defendant's conduct
19 herein, that Defendant Citibank, desired to purge Plaintiff from its workforce, and it subjected
20 Plaintiff to harsher discipline, due to Plaintiff's sex – female.

21 39. Plaintiff was treated vastly different than bank employees who were not of her same race
22 and/or protected category – African-American. Upon information and belief, and based on
23 Defendant's conduct herein, Citibank employees that were not African-American, and who
24 committed violations of company policies, protocol and procedures were privately reprimanded,
25 if at all, and allowed to continue in their jobs with lesser and/or lower lever progressive
discipline, if need be.

1 40. Plaintiff was treated vastly different than male bank employees who were similarly
2 situated. Upon information and belief, and based on Defendant's conduct herein, Citibank
3 employees that were not female, and who committed violations of company policies, protocol
4 and procedures were privately reprimanded, if at all, and allowed to continue in their jobs with
5 lesser and/or lower lever progressive discipline, if need be.

6 41. Plaintiff was treated vastly different than other bank employees who were similarly
7 situated. Upon information and belief, and based on Defendant's conduct herein, other Citibank
8 employees that were not of Plaintiff's protected class in terms of her age, race and sex, and who
9 committed violations of company policies, protocol and procedures were privately reprimanded,
10 if at all, and allowed to continue in their jobs with lesser and/or lower lever progressive
11 discipline, if need be.

12 42. Plaintiff filed a formal complaint of race, age and sex discrimination with the U.S. Equal
13 Employment Opportunity Commission ("EEOC"), within the time limits provided by applicable
14 law and regulations.

15 43. On or near December 9, 2020, the Equal Employment Opportunity Commission
16 ("EEOC") issued a Notice of Right to Sue.

17 44. This lawsuit is being brought within ninety days of the receipt by Plaintiff of her notice
18 of right to sue.

19 45. Plaintiff has exhausted all available administrative remedies in accordance with the
20 aforementioned statutes, prior to instituting the instant civil action.

21 **IV. FIRST CAUSE OF ACTION**

22 **(Title VII Race Discrimination)**

23 46. Plaintiff Ms. Sharpe, repleads, realleges, and incorporates herein by reference each and
24 every allegation contained above, as if fully set forth herein.

25 47. The Defendants in their above alleged conduct have perpetuated a discriminatory work

1 environment harming Plaintiff based upon her race and have unlawfully singled her out for
2 racially discriminatory conduct in violation of Title VII, including but not limited to subjecting
3 her to an overly harsh and discriminatory investigation and disciplinary process. Intentionally
4 blemishing Plaintiff's record with discriminatory intent to terminate her, discriminatorily
5 ignoring due process, ignoring procedure and all other discriminatory acts alleged or described
6 above and/or further adduced during the discovery stage of this civil matter.

7
8 48. The foregoing acts constitute unlawful discriminatory conduct prohibited by 42 U.S.C. §
9 2000e et. Seq, and are a direct and proximate cause of substantial financial damages to Plaintiff,
10 including but not limited to compensatory damages for lost earnings, loss of happiness, loss of
11 opportunities, loss of reputation and loss of prestige.

12 49. As such, Defendants are directly and proximately responsible for Ms. Sharpe's damages
13 in an amount to be proven at trial.

14 50. The above-described acts of Defendants are wanton, willful, malicious and done with a
15 conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has suffered
16 damages and financial loss as a direct result of said unlawful conduct and is entitled to be fully
17 compensated including punitive and exemplary damages under any and all applicable State and
18 federal laws.

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20 51. As a further direct and proximate result of the unlawful discrimination, it has been
21 necessary for Plaintiff to retain the services of counsel to represent her in the instant matter, and
22 he should be awarded reasonable attorney's fees and costs.

23 **V. SECOND CAUSE OF ACTION**

24 **(NRS 613.330 Race Discrimination)**

25 52. Plaintiff, repleads, realleges, and incorporates herein by reference each and every

1 allegation contained above as if fully set forth herein.

2 53. Defendant Citibank, by and through its above alleged conduct has perpetuated a hostile
3 work environment harming Plaintiff based upon her race and has unlawfully singled her out for
4 racially discriminatory conduct in violation of Title VII, including but not limited to unusual
5 discriminatorily oriented observation or scrutiny of Plaintiff, intentionally blemishing Plaintiff's
6 record with discriminatory intent to terminate her, discriminatorily ignoring due process,
7 ignoring procedure and all other discriminatory acts alleged or described above and/or further
8 adduced during the discovery stage of this civil matter.
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10 54. The foregoing acts constitute unlawful discriminatory conduct prohibited by NRS
11 613.330 et, seq., and are a direct and proximate cause of substantial financial damages to
12 Plaintiff, including but not limited to compensatory damages for lost earnings, loss of happiness,
13 loss of opportunities, loss of reputation and loss of prestige.

14 55. As such, Defendant Citibank is directly and proximately responsible for Plaintiff's
15 damages in an amount to be proven at trial.

16 56. The above-described acts of Defendant Citibank were wanton, willful, malicious and
17 done with a conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has
18 suffered damages and financial loss as a direct result of said unlawful conduct and is entitled to
19 be fully compensated including punitive and exemplary damages under any and all applicable
20 State and federal law.
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22 57. As a further direct and proximate result of the unlawful discrimination, it has been
23 necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled
24 matter, and he should be awarded reasonable attorney's fees and costs.
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VI. THIRD CAUSE OF ACTION

(Age Discrimination Under the Age Discrimination in Employment Act 42 U.S.C. §12112)

58. Plaintiff, repleads and realleges and incorporates herein by reference each and every allegation contained above as if fully set forth herein.

59. Defendant Citibank, has perpetuated a hostile work environment harming Plaintiff based upon her age and has unlawfully singled her out for age related discriminatory conduct in violation of The Age Discrimination in Employment Act particularly where they singled her out due to her age, and disciplined her in a manner for severe than they have disciplined other employees who were not of the same protected class in terms of age than Plaintiff.

60. The foregoing acts constitute unlawful discriminatory conduct prohibited by 42 U.S.C. § 12112(a) et, seq, and are a direct and proximate cause of substantial financial damages to Plaintiff, including but not limited to compensatory damages for lost earnings, loss of happiness, loss of opportunities, loss of reputation and loss of prestige.

61. As such, Citibank is directly and proximately responsible for Plaintiff's damages in an amount to be proven at trial.

62. The above-described acts of Defendant Citibank were wanton, willful, malicious and done with a conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has suffered damages and financial loss as a direct result of said unlawful conduct and is entitled to be fully compensated including punitive and exemplary damages under any and all applicable State and federal law.

63. As a further direct and proximate result of the unlawful discrimination, it has been necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled matter, and she should be awarded reasonable attorney's fees and costs.

VII. FOURTH CAUSE OF ACTION

(Age Discrimination pursuant to NRS 613.330)

64. Plaintiff, repleads, realleges, and incorporates herein by reference each and every allegation contained above as if fully set forth herein.

65. Defendant Citibank has perpetuated a hostile work environment harming Plaintiff based upon her age and have unlawfully singled her out for age related discriminatory conduct in violation of The Age Discrimination in Employment Act, and N.R.S. 613.330 particularly where they singled her out and imposed much harsher discipline on her than they have imposed on other employees for similar alleged conduct, wherein the employees over the age of 40 were able to keep their jobs and receive no discipline at all and/or were privately reprimanded, if at all.

66. The foregoing acts constitute unlawful discriminatory conduct prohibited by NRS 613.330 et. seq, and are the direct and proximate cause of substantial financial damages to Plaintiff, including but not limited to compensatory damages for lost earnings, loss of happiness, loss of opportunities, loss of reputation and loss of prestige.

67. As such, Defendants are directly and proximately responsible for Plaintiff's damages in an amount to be proven at trial.

68. The above-described acts of Defendant Citibank were wanton, willful, malicious and done with a conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has suffered damages and financial loss as a direct result of said unlawful conduct and is entitled to be fully compensated including punitive and exemplary damages under any and all applicable State and federal law.

69. As a further direct and proximate result of the unlawful discrimination, it has been

1 necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled
2 matter, and she should be awarded reasonable attorney's fees and costs.

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4 **VIII. FIFTH CAUSE OF ACTION**

5 **(Sex Discrimination - Federal)**

6 70. Plaintiff, repleads, realleges, and incorporates herein by reference each and every
7 allegation contained above as if fully set forth herein.

8 71. Defendant Citibank has perpetuated a hostile work environment harming Plaintiff based
9 upon her sex and has unlawfully singled her out for sex related discriminatory conduct in
10 violation of Title VII, particularly where they singled her out and imposed much harsher
11 discipline on her than they have imposed on male employees who have engaged in similar
12 alleged conduct, wherein such male employees were able to keep their jobs and receive no
13 discipline at all and/or were privately reprimanded, if at all.

14 72. The foregoing acts constitute unlawful discriminatory conduct prohibited by Title VII,
15 and are the direct and proximate cause of substantial financial damages to Plaintiff, including but
16 not limited to compensatory damages for lost earnings, loss of happiness, loss of opportunities,
17 loss of reputation and loss of prestige.

18 73. As such, Defendants are directly and proximately responsible for Plaintiff's damages in
19 an amount to be proven at trial.

20 74. The above-described acts of Defendant Citibank were wanton, willful, malicious and
21 done with a conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has
22 suffered damages and financial loss as a direct result of said unlawful conduct and is entitled to
23 be fully compensated including punitive and exemplary damages under any and all applicable
24 State and federal law.
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1 75. As a further direct and proximate result of the unlawful discrimination, it has been
 2 necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled
 3 matter, and she should be awarded reasonable attorney's fees and costs.

4 **IX. SIXTH CAUSE OF ACTION**

5 **(Sex Discrimination – Nevada State Law)**

6 76. Plaintiff, repleads, realleges, and incorporates herein by reference each and every
 7 allegation contained above as if fully set forth herein.

8 77. Defendant Citibank has perpetuated a hostile work environment harming Plaintiff based
 9 upon her sex and has unlawfully singled her out for sex related discriminatory conduct in
 10 violation of NRS 613.330, et seq., particularly where they singled her out and imposed much
 11 harsher discipline on her than they have imposed on male employees who have engaged in
 12 similar alleged conduct, wherein such male employees were able to keep their jobs and receive
 13 no discipline at all and/or were privately reprimanded, if at all.

14 78. The foregoing acts constitute unlawful discriminatory conduct prohibited by NRS
 15 613.330, et seq., and are the direct and proximate cause of substantial financial damages to
 16 Plaintiff, including but not limited to compensatory damages for lost earnings, loss of happiness,
 17 loss of opportunities, loss of reputation and loss of prestige.

18 79. As such, Defendants are directly and proximately responsible for Plaintiff's damages in
 19 an amount to be proven at trial.

20 80. The above-described acts of Defendant Citibank were wanton, willful, malicious and
 21 done with a conscious disregard for Plaintiff's federally and state protected rights. Plaintiff has
 22 suffered damages and financial loss as a direct result of said unlawful conduct and is entitled to
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1 be fully compensated including punitive and exemplary damages under any and all applicable
2 State and federal law.

3 81. As a further direct and proximate result of the unlawful discrimination, it has been
4 necessary for Plaintiff to retain the services of counsel to represent her in the above-entitled
5 matter, and she should be awarded reasonable attorney's fees and costs.

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7 **X. SEVENTH CAUSE OF ACTION**

8 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

9 82. Plaintiff, repleads, realleges, and incorporates herein by reference each and every
10 allegation contained above as if fully set forth herein.

11 83. Defendant Citibank engaged in unlawful employment practices prohibited by federal
12 and state law, by discriminating against Plaintiff, and the conduct set forth above constitutes
13 intentional or recklessly extreme and outrageous conduct.

14 84. The extreme conduct of Defendant Citibank, and by and through its managerial
15 employees caused extraordinary distress and suffering to Plaintiff.

16 85. As a result of the foregoing malicious and egregious conduct, Plaintiff suffered severe
17 emotional distress, and has incurred damages thereby.

18 86. Defendant Citibank is vicariously liable for the actions of its employees and supervisors
19 who were acting in the scope of their employment and engaged in the illegal acts to enforce and
20 cause the wrongful termination of Plaintiff's employment with the company.

21 87. Defendant Citibank is also liable because it has condoned and accepted the abuse and
22 outrageous conduct directed at Plaintiff and intentionally or recklessly decided to ignore such
23 abuse.

24 88. Based upon the foregoing allegations set forth in this Complaint and incorporated
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1 herein, Plaintiff suffered emotional distress and damages.

2 89. As a direct result and proximate result of the discriminatory, retaliatory, harassing, and
3 abusive conduct of Defendant Citibank, Plaintiff suffered adverse employment consequences by
4 the conduct of its employees, including loss of future wages, professional opportunities, and
5 other valuable benefits and emoluments of employment, as well as mental anguish and
6 humiliation.

7 90. Further, since Defendant Citibank's conduct was willful and motivated by malice and/or
8 reckless indifference to Plaintiff's legal rights, Plaintiff is entitled to an award of punitive
9 damages.
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11 **XI. EIGHT CAUSE OF ACTION**
12 **(Declaratory and Injunctive Relief against Defendant)**

13 91. Plaintiff, repleads, realleges, and incorporates herein by reference each and every
14 allegation contained above as if fully set forth herein.

15 92. This Honorable Court should Declare that Defendant Citibank's actions in disciplining
16 Plaintiff and/or attempting to discipline Plaintiff were unjust, unfair, discriminatory and find that
17 she committed no wrongdoing.

18 93. This Honorable Court should require Defendant Citibank to remove and/or do its best to
19 ameliorate or repair, to the maximum extent possible, all adverse personnel information from
20 Plaintiff's personnel file, in her discharge papers, and in any other reporting of any and all
21 negative documentation.

22 94. This Honorable Court should require Defendant Citibank to expunge from Plaintiff's
23 Personnel file and/or any file maintained by the company regarding Plaintiff's employment with
24 the company any and all reporting that is negative in any way.

25 95. This Honorable Court should affirmatively declare that Defendant Citibank by and

1 through its actions alleged herein has in fact, engaged in employment practices that constitute
2 unlawful race, sex and age discrimination.

3 96. This Honorable Court should declare that Defendant Citibank, when it terminated
4 Plaintiff in the manner that it did, did so in contravention of public policy.

5 **WHEREFORE, PLAINTIFF respectfully prays as follows:**

- 6 1. For a trial by jury on appropriate issues;
- 7 2. For all employment-related losses subject to proof;
- 8 3. For compensation for all expenses incurred to remedy the pain and suffering that
9 was the direct and proximate result of Defendants' above-mentioned actions.
- 10 4. For a declaration that the acts and practices complained of herein are in violation
11 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, et seq., and
12 2000e16, et seq., the Age Discrimination in Employment Act and the Nevada
13 Equal Employment Opportunity Act, NRS 633.310, et seq.;
- 14 5. For compensatory damages in a sum or value to be proven at trial.
- 15 6. Injunctive relief and enjoinder;
- 16 7. For punitive damages against Defendants to be decided by this Court;
- 17 8. For prejudgment interest;
- 18 9. For reasonable attorney's fees and all costs incurred by Ms. Sharpe herein; and
- 19 10. For such other and further relief as the Court shall deem just and proper.

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JURY DEMAND

Plaintiff demands that all issues in this case be tried by a jury in accordance with the Seventh Amendment of the United States Constitution, and pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

DATED this *8th* day of March, 2021

By: /s/ F. Travis Buchanan, Esq.
F. TRAVIS BUCHANAN, ESQ., & ASSOC., PLLC
F. Travis Buchanan, Esq.
NV Bar No. 9371
701 EAST BRIDGER AVE. SUITE 540
Las Vegas, Nevada, 89101
Attorneys for Plaintiff

EXHIBIT #1

EXHIBIT #1

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Kelle Sharpe**
1054 Via Saint Andrea Pl
Henderson, NV 89011

From: **Las Vegas Local Office**
333 Las Vegas Blvd South
Suite 5560
Las Vegas, NV 89101



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

487-2021-00038

Breanne Blain,
Investigator

(702) 553-4458

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Tamara M. West

Digitally signed by Tamara M. West

On behalf of the Commission

The U.S. Equal Employment Opportunity Commission

Director, EEOC

email: tamara.west@eeoc.gov, c=US

Date: 2020.12.09 09:13:21 -08'00'

Enclosures(s)

Tamara M. West,
Local Office Director

(Date Issued)

cc:

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